

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MATTHEW G. SILVA,

Plaintiff,

v.

ROB McKENNA, JOHN S. BLONIEN,
DOUGLAS CARR, KIMBERLY
FRINELL, AMANDA
MIGCHELBRING, ELDON VAIL, DAN
PACHOLKE, STEVE SINCLAIR,
CHRIS BOWMAN, CHUCK PEASE,
JURGENSEN, LINDA MICHAEL,
DAVID S. ROBERTS, TAMARA
ROWDEN, RONALD FREDERICK,
DEVON SCHRUM, LORI
SCAMAHORN, DENNIS DAHNE,
KERRI McTARSNEY, CORYDON
WHALEY, CLINT MAY, CHERYL
SULLIVAN, VANESSA COLEMAN,
TIMOTHY LANG, HEIDI HOLLAND,
DANIEL JUDGE, PAT GLEBE,
JEFFREY UTTECHT, CHARLES
JONES, GREGORY F. JONES,
NORMAN GOODENOUGH, SCOTT
FRAKES, MARK MILLER, MELINDA
FERRELL, HAROLD ARCHIBALD,
ROD ASKELSON, WASHINGTON
DEPARTMENT OF CORRECTIONS

Defendants.

CASE NO. C11-5629 RBL/KLS

ORDER GRANTING EXTENSION
OF TIME TO RESPOND TO
SUMMARY JUDGMENT MOTION

Plaintiff requests a ninety day extension of time to respond to Defendants' motion for summary judgment. ECF No. 160. Defendants' motion for summary judgment was noted for January 25, 2013. ECF No. 158.

1 Mr. Silva states that the prison library at the Washington State Penitentiary is outdated
2 and he has been forced to rely on the services of the Department of Correction's contract
3 attorney who refuses to communicate with him. Mr. Silva also states that he is scheduled to be
4 released from prison on March 9, 2013. ECF No. 160. Defendants oppose the extension. ECF
5 No. 161. They present evidence that the library's inventory is extensive, that Mr. Silva has had
6 50 hours of priority access to the library since they filed their motion, that Mr. Silva's requests of
7 the contract attorney have been unrelated to any response to the summary judgment motion, and
8 that between December 29, 2012 and February 5, 2013, Mr. Silva has filed eighteen documents
9 relating to thirteen of other pending cases. *Id.*, pp. 2-3 and Exhibits 1-3. Defendants argue that
10 Mr. Silva has taken on more cases than he can handle and his request for an extension is "simply
11 a ploy to extend the deadlines in this case until after his release" (which Defendants note as
12 February 27, 2012).

13 Although Mr. Silva's stated reasons for his requested continuance are disputed, his
14 request for the extension was timely and is not unduly unreasonable in light of his pending
15 release date.

16 Accordingly, it is **ORDERED**:

17 (1) Plaintiff's motion for extension (ECF No. 160) is **GRANTED**.

18 (2) Plaintiff shall file his response to Defendants' motion for summary judgment
19 (ECF No. 158) **on or before April 29, 2013**. Defendants reply is due **on or before May 3,**
20 **2013**. The Clerk is directed to **re-note** Defendants' motion for summary judgment (ECF No.
21 158) for **May 3, 2013**.

